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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,567	10/17/2003	Susan B. Cirulli	END920030049US1	2492
23550 7590 02/21/2008 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER				
AIRAPETIAN, MILA				
ART UNIT		PAPER NUMBER		
3625				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

10/688,567

Applicant(s)

CIRULLI ET AL.

Examiner

MILA AIRAPETIAN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment received on 11/08/2007 is acknowledged and entered. The applicant has amended claims 1, 9 and 18. Currently, claims 1-26 are pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guo et al. (US 2005/0120121) in view of Paulo et al. (US 2002/0198790).

Claim 1. Guo et al. (hereinafter Guo) teaches a method for routing between network servers comprising:

receiving a request for a first item from a requestor [0009];

selecting a back-end system from a set of back-end systems for processing the request, wherein the back-end system is selected based on the first item and a location setting within a profile corresponding to the requestor [0022], [0036], [0043].

Guo does not explicitly teach limiting a request for a second item by the requestor to the particular type of items associated with the identified back-end system.

Official Notice is taken that it is old and well known when buying a specific product from a specialized vendor, consumer expects to obtain similar product from the same vendor due to specialization of said vendor in said specific products. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include limiting a request for a second item by the requestor to the particular type of items associated with the identified back-end system, because it would advantageously facilitate ordering goods or services.

Guo also does not teach identifying a set of back-end systems based on a location setting within a profile corresponding to the requestor.

Paulo et al. (Paulo) teaches a computer-implemented method for ordering goods or services wherein the order server will be able to select, based on user's location, various stores (back-end system) in the form of a suggested list or a prioritized list to fill the order [0014], [0013].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include identifying a set of back-end systems based on a location setting within a profile corresponding to the requestor, as disclosed in Paulo, because it would advantageously facilitate user's later attempts to order goods or services, as specifically taught by Paulo [0017].

Furthermore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Further, it is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art. Thus such a combination would have yielded predictable results (see *Sakraida*, 425 US at 282, 189 USPQ at 453). Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Claim 2. Guo teaches said method further comprising establishing the profile, prior to the receiving step [0023].

Claim 3. Guo teaches said method further comprising: associating the requestor with a set of available items to request and with the set of back-end systems based on the location setting [0043]; and providing the set of available items to the requestor, prior to the receiving step [0043].

Claim 4. Guo teaches said method wherein the location setting comprises a geographic location and a requestor job responsibility [0043].

Claim 5. Guo teaches said method further comprising routing the request for the first item to the selected back-end system for processing [0043].

Claim 6. Guo teaches said method further comprising receiving the request for the second item from the requestor (the authentication server redirects client computer system to affiliate server where the user selected a *different* server [0046].

Claim 8. Guo teaches said method further comprising: processing the request for the first item with the selected back-end system [0009].

Guo does not explicitly teach communicating with a supplier to obtain the first item. However, Guo teaches routing client computer to the *appropriate* affiliate server for performing a desired service for the user [0022]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include that said routing client computer to the *appropriate* affiliate server includes communicating with a supplier to obtain the first item, because it would advantageously allow to fulfill the customer order.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guo and Paulo, in view of Marks (US 6,876,977).

Claim 7. Guo and Paulo teaches all the limitations of claim 7 except displaying an error message if the second item is not associated with the selected back-end system.

Marks teaches a method for conducting business-to-business electronic commerce over the Internet wherein an error message is displayed if an item is not available (col. 16, lines 46-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo and Paulo to include that an error message is displayed if an item is not available, as disclosed in Marks, because it would advantageously allow to provide a feed back in response to the customer input, thereby enhancing customer service.

System claims 9-17 repeat the subject matter of method claims 1-8 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-8 have been shown to be fully disclosed by the teachings of Guo, Paulo and Marks in the above rejections of claims 1-8, it is readily apparent that the system disclosed by Guo and Marks includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-8, and incorporated herein.

Claim 18-26 are rejected on the same rationale as set forth above in Claim 1-8.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA

/Mark Fadok/
Primary Examiner, Art Unit 3625